

DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Parkston School District
Accountability Review - Monitoring Report 2010-2011

Team Members: Linda Shirley, Team Leader; Roxana Uttermark, Chris Sargent, Penny McCormick-Gilles, Mary Borgman, Education Specialists, Lori Wehlander, Transition Liaison, and Ann Larsen Special Education Director.

Dates of On Site Visit January 18, 19, 2022

Date of Report: May 3, 2011 Received Immediate Fixes April 14, 2011

3 month update due: August 3, 2011 Date Received:

6 month update due: November 3, 2011 Date Received:

9 month update due: February 3, 2012 Date Received:

Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

FAPE in the LRE

Indicator 3: Participation and Performance of children on with disabilities on statewide assessments.

- A. Percent of districts that have a disability subgroup that meets the State's minimum "n" size meeting the state's AYP objectives for progress for disability subgroup.
- B. Participation rate for children with IEP's in a regular assessment with no accommodations; alternate assessment against grade level standards; alternate assessment against grade level achievement standards.
- C. Proficiency rate for children with IEP's against grade level standards and alternate achievement standards.

Finding: January 18-19, 2011

Through a review of 12 student files, data gathered by the team for state and district wide assessment 5 of those files indicated accommodations/modifications were not consistently provided in the student's instructional program, and accommodations identified in the IEPs for state/district wide assessment were not consistently used during the assessment administration. In two student files the students were taking the alternate assessment and did not have short term objectives to support their program in the alternate content standards.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: 1. The district will review current policy/procedure with the special education teachers and testing coordinator to determine why discrepancies are occurring. 2. Develop a process that will allow for the appropriate documentation and provision of accommodations for state/district assessments.	April, 2011	Special education director and special education staff and	

<p>3. Provide training to ensure special education staff and testing coordinator are proficient in the implementation of the procedures/process.</p> <p>4. Implement procedures and collect data to verify accommodations are appropriately documented and provided during state/district assessments.</p> <p>Data Collection: The district will collect and submit to SEP the following data:</p> <p>1. Written description of the district's review process to identify why the discrepancies are occurring.</p> <p>2. Written description of the process the district will implement to correct the discrepancies.</p> <p>3. Submit an agenda for the required training which includes dates, time and a list of participants.</p>	April 2011	testing coordinator	
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3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

1. GENERAL SUPERVISION

(Statement of non-compliance from report of February 19 and 20, 2004)

Out of Compliance

ARSD 24:05:17: 03 Annual report of children served

The district does not have documentation to verify services were being provided to one student listed on the district's 2002 child count. Interviews also confirmed there was not an IEP in effect on December 2, 2002 for this student. The Department of Education will withhold from the district the Individual with Disability Act (IDEA) federal funds for the misclassified student.

Follow-up: January 18, 19, 2011

All students on the 2009 child count were verified.

Corrective Action: None

2. GENERAL SUPERVISION

(Statement of non-compliance from report of February 19 and 20, 2004)

ARSD 24:05:22:03 Certified child

A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individual with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3-21 inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

A student listed on the child count as emotionally disturbed must be reevaluated to determine eligibility under Part B of the Individuals with Disabilities Education Act. The student transferred from Abbott House in

Mitchell and is currently placed at "Our Home". The only evaluation available is an achievement test using the Woodcock Johnson-Revised dated 4-11-03.

A student listed on the child count as other health impaired must be reevaluated in the area of achievement as only a developmental test was administered. The child's birthdate is 11-3-96. The current evaluation report includes an intelligence test, motor test, speech and language and a developmental test. The team must meet following completion of achievement testing to consider educational impact and eligibility.

A student listed on the child count as specific learning disability did not qualify for special education and related services as determined by the eligibility guidelines for South Dakota. However, the team decided to complete the IEP team override form. The team must document why standards and procedures used with the majority of students resulted in invalid findings for this student. The monitoring team determined the answer to this question was incomplete.

ARSD 24:05:25:04.03 Determination of eligibility

The IEP team must meet to determine eligibility for a student placed on the child count as a specific learning disability. The child does not qualify as learning disabled however, there is information available in the file which suggests the student may qualify as other health impaired. The file refers to medical information but it is not currently in the student file. The team must consider all information and determine the appropriate disability category.

ARSD 24:05:25:04 Evaluation procedures

The evaluation team must consider a variety of assessment tools and strategies to gather relevant functional and developmental information about the child, including information provided by the parents. Through the review of fifteen student records, the monitoring team found the district staff gathers data from classroom teachers to use as functional information in the evaluation process. During interviews, special education staff reported a lack of understanding concerning gathering and reporting functional assessment. The monitoring team noted a written summary of functional information was not consistently included in the evaluation report or in the present levels of performance. The students' present levels of academic performance, their progress in the general curriculum and the development of annual goals and short-term instructional therefore did not link to evaluation.

ARSD 24:05:25:06 Reevaluations

ARSD 24:05:27:01.03 Transition services

Transition services are a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other post school adult living objectives, and if appropriate, acquisition of daily living skills and functional vocational evaluation.

Through review of nine files and staff interviews, the monitoring team noted transition evaluations were not administered prior to age 16 to assist in developing transition services and activities. District staff stated they knew assessment was necessary, however, were unsure of how to proceed.

Follow-up: January 18, 19, 2011

State Performance Plan- Indicator 5

#33: 530 on child count cognitive, orthopedic impairment, OHI and speech/language. No speech evaluation given, no information on OHI, no adaptive behavior evaluation found. Must submit evaluations to support disability.

#32: 530 on child count cognitive, orthopedic impairment and speech/language. No proof of an Orthopedic Impairment and no Language evaluation found. Submit evaluations to support disability.

#27: 560 on child count autism: No checklists were completed, nothing was pulled forward the evaluation was not complete. Behavior impedes learning did not address any issues and strategies. Submit evaluations to support disability.

#23: 530 on child count with cognitive delay and speech/language. Scores on the UNIT do not qualify the student for cognitive delay. An ability test should be used which is appropriate for this student. The information did not show a non-verbal evaluation was needed. Speech/Language would not qualify a student with a cognitive delay with a multiple disability. Academic evaluations showed scores of 87 and 94. The team must reevaluate this student using an ability evaluation which is appropriate for this student. Relevant Skill based assessments should be completed.

ARSD 24:05:30:04. Prior notice and parent consent. Written notice which meets the requirements of § 24:05:30:05 must be given to the parents five days before the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. The five-day notice requirement may be waived by the parents. If the notice described in this section relates to an action proposed by the district that also requires parental consent, the district may give notice at the same time it requests parent consent.

Informed parental consent must be obtained before conducting a first-time evaluation, reevaluation, and before initial placement of a child in a program providing special education or special education and related services. Parental consent is not required before:

- (1) Reviewing existing data as part of an evaluation or reevaluation; or
- (2) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

Prior Notice for evaluation could not be found in 4 files reviewed.

ARSD 24:05:27:15.03. Transmittal of records for student transfers. To facilitate the transition for a transfer student described in §§ 24:05:27:15.01 and 24:05:27:15.02:

- (1) The new school in which the student enrolls shall take reasonable steps to promptly obtain the student's records, including the IEP and supporting documents and any other records relating to the provision of special education and related services to the student, from the previous school in which the student was enrolled, pursuant to § 99.31(a)(2) of the federal Family Educational Rights and Privacy Act as amended to July 1, 2005; and

(2) The previous school in which the student was enrolled shall take reasonable steps to promptly respond to the request from the new school.

Transfer procedures for transmittal of student records were not seen in 4 files. There were no records of eligibility documentation. The school had never received any of the eligibility documentation and did not pursue receiving this information.

Skill based evaluations were not given to 3 students in all areas of suspected disability. Skill based assessments were not written in 4 files reviewed.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
<p>Activity/Procedure: The district will review its policy, procedure and practice regarding:</p> <ul style="list-style-type: none"> Referral and informal review Determination of needed evaluations per suspected category of disability The completion of prior notice/consent for evaluations needed for the purpose of determining eligibility and meeting notice Development of evaluation reports that must be provided to parents including administering and reporting skill based assessment. The districts skill based assessment report will include a list of specific skills the student has (strengths) and a list of specific skills the student will need to learn (weaknesses) for each skill area affected by the disability including transition. Determining eligibility and completing the eligibility document Developing an IEP that provides educational benefit <p>Data Collection:</p> <p>Each special education teacher and speech pathologist will submit for <u>two students who have been initially evaluated or reevaluated</u> during the progress reporting period a copy of the following:</p> <ol style="list-style-type: none"> Referral document (if applicable) If you have a transfer student submit all data the district receives and notices sent to receive documents. The prior notice/consent for evaluation, Copies of all the evaluation reports including skill based and transition, Copy of the prior notice for the eligibility/IEP meeting, Copy of the MDT/eligibility document and; Copy of the IEP 	April 2012	All Special Education Staff	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

3. GENERAL SUPERVISION

(Statement of non-compliance from report of February 19 and 20, 2004)

Out of compliance

ARSD 24:05:27:01.03 Content of individualized education program

A student's IEP must contain present levels of performance based upon the skill areas affected by the student's identified disability. The present levels of performance are based upon the functional assessment information gathered during the comprehensive evaluation process. In 15 of 22 student files reviewed by the monitoring team, present levels of performance were not linked to functional evaluation and did not contain skill-based strengths, needs or how the disability affects the child's involvement and progress in the general curriculum.

ARSD 24:05:27:13:02 Transition Services

Transition services are a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other post school adult living objectives, and if appropriate, the acquisition of daily living skills and functional vocational evaluation.

In five student files, no transition information was provided in the present levels of performance. In addition, a transition plan was not written to address the five transition areas on the IEP. Special education staff mentioned transition activities provided such as career assessment, Catch the Wave, Youth Leadership, Vocational Rehabilitation and connections with Lewis and Clark Behavioral Health however, these activities are not documented on the student IEP.

Follow-up: January 18, 19 2011

ARSD 24:05:27:01.02. Development, review, and revision of individualized education program. In developing, reviewing, and revising each student's individualized education program, the team shall consider the strengths of the student and the concerns of the parents for enhancing the education of their student, the results of the initial or most recent evaluation of the student, the academic, developmental, and functional needs of the student. The individualized education program team also shall:

(1) In the case of a student whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports and other strategies to address that behavior;

State Performance Plan-Indicators 5,8,13

Present Levels of Academic Achievement and Functional Performance were not skill specific in five files.

Goals were not measurable and lacked condition in 5 files. Ex."Will read classroom assignments independently and answer comprehension questions with 80% accuracy." Goals in six files reviewed did not link to the Present Levels of Academic Achievement and Functional Performance.

Two files of students taking the alternate assessment did not have short term objectives.

Six files left the justification for placement blank.

The description of services was not broken down and did not list all areas of need in 7 files reviewed. Two files left description of services blank. EX."Will be removed from the classroom 4 times weekly for 20 minute sessions to work on academic skills."

Two students who qualified under OHI with Attention Deficit Hyperactivity Disorder and one under Autism did not list behavior impedes learning; therefore educational impact was not seen.

Five students with transition plans did not have measurable post secondary goals. EX.” __is undecided as to what plans are for education or training.”

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
<p>The district will review IEP files to ensure all required content. Including:</p> <ol style="list-style-type: none"> 1. Present levels being skill specific stating the student strengths and needs. Parent input, and how the disability affects involvement in the regular classroom. 2. Goals relate back to the present levels and have condition, performance and criteria. 3. Students qualifying OHI with ADHD and Autism will show behaviors impede learning. 4. Description of services will be documented in the area of disability. 5. Justification statements will be completed for all students. 6. Students of transition age will have post secondary goals that are measurable. <p>Data Collection: Data submitted for General supervision # 1 will be used to verify correction to this issue. One file for a student under the category of OHI and 1 under Autism will be submitted. One file for a student taking the alternate assessment. Two files of a student of transition age.</p>	April 2012	School District	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report: